

APPROVED MINUTES
YORK COUNTY PLANNING COMMISSION
Regular Meeting
York Hall
August 9, 2000
7:00 PM

CALL TO ORDER

Vice Chair Andrew Simasek called the meeting to order at 7:00 PM. Commissioners present were Robert E. Beil, Robert D. Heavner, Michael H. Hendricks, Thomas G. Shepperd, and Andrew A. Simasek. Commissioners Spencer W. Semmes and Ann F. White were absent. Also present were County Attorney James E. Barnett, Jr. and Planning staff Robert A. Baldwin, Michael S. King, Adam R. Kinsman, and Timothy C. Cross.

REMARKS BY THE CHAIR

Vice Chair Simasek remarked on the role of the Planning Commission as a citizen-volunteer advisory body to the Board of Supervisors.

APPROVAL OF MINUTES

Mr. Beil moved adoption of the minutes of the regular meeting of July 12, 2000 and they were approved as written by unanimous roll call vote.

CITIZEN COMMENTS

None.

COMMENTS – ZONING ORDINANCE REVIEW PROJECT

None.

PUBLIC HEARINGS

Application No. ZM-50-00, Roland R. and Betty A. Rollins (Trustees) and Yorkminster Presbyterian Church: Request to amend the York County Zoning Map by reclassifying a 0.46-acre piece of property from PD (Planned Development) to GB (General Business) and a 0.13-acre piece from GB (General Business) to PD (Planned Development).

Following a brief video presentation, Mr. Tim Cross presented the summary of the staff memorandum dated July 31, 2000 and noted the staff recommendation of approval.

Vice Chair Simasek opened the public hearing. No one came forward to speak and Mr. Simasek closed the public hearing.

Mr. Hendricks moved the adoption of Resolution PC00-20 to recommend approval. It reads:

Resolution PC00-20

On motion of Mr. Hendricks, which carried 5:0 (Semmes and White absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO REZONE APPROXIMATELY 0.46 ACRE FROM PD (PLANNED DEVELOPMENT) TO GB (GENERAL BUSINESS) AND APPROXIMATELY 0.13 ACRE FROM GB TO PD

WHEREAS, Roland R. and Betty A. Rollins and Yorkminster Presbyterian Church have submitted Application No. ZM-50-00 to amend the York County Zoning Map by reclassifying a 0.46 acre piece of property from PD (Planned Development) to GB (General Business) and a 0.13-acre piece of property from GB to PD, said pieces of property being portions of a 14.95-acre parcel located at 6106 George Washington Memorial Highway (Route 17) that is further identified as Assessor's Parcel No. 24-(72)-3; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 9th day of August, 2000, that it does hereby transmit Application No. ZM-50-00 to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Map by reclassifying a 0.46 acre piece of property from PD (Planned Development) to GB (General Business) and a 0.13-acre piece of property from GB to PD, said pieces of property being portions of a 14.95-acre parcel located at 6106 George Washington Memorial Highway (Route 17) that is further identified as Assessor's Parcel No. 24-(72)-3; and is more fully identified and described as follows:

From PD (Planned Development) to GB (General Business):

All that certain lot, piece or parcel of land situate, lying and being in the County of York, Virginia, containing 0.4601 acres and being known and designated as "Area proposed to be Rezoned from PD to GB (0.4601 acres)" as shown on that certain plat entitled "Plat showing Proposed Rezoning, Properties of Betty A. and Roland R. Rollins, Trustees, Nelson magisterial District, County of York, Virginia" prepared by Davis and Associates, P.C., Surveyors and Planners, dated May 10, 2000. Said property being a part of that certain property conveyed to Betty A. and Roland R. Rollins, Trustees and recorded in Deed Book 923, Page 173 and Deed Book 923, Page 176 in the Clerk's Office of the Circuit Court for the County of York, Virginia and more particularly described as follows:

Commencing at a concrete monument located on the east side of George Washington Memorial Highway (U.S. Route 17) and the common boundary line of the Trustees of the Yorkminster Presbyterian Church and the property of Betty A. and Roland R. Rollins, Trustees, N 60° 30' 46" E, 394.65' (feet) to the point and place of beginning. Thence from the point and place of beginning thus established N 60° 30' 46" E, 288.48' (feet) to a point thence S 24° 14' 25" E, 29.99' (feet) to a point; thence S 60° 30' 46" W, 183.00' to a point; thence S 31° 13' 52" E, 255.48' (feet) to a point thence N 50° 39' 57" W, 305.88' (feet) to a point being the point and place of beginning. The property is bounded on the east, south and west by property owned by

Betty A. and Roland R. Rollins, Trustees and on the north by the Trustees of Yorkminster Presbyterian Church.

From GB (General Business) to PD (Planned Development):

All that certain lot, piece or parcel of land situate, lying and being in the County of York, Virginia, containing 0.1275 acres and being known and designated as "Area proposed to be Rezoned from GB to PD (0.1275 acres)" as shown on that certain plat entitled "Plat showing Proposed Rezoning, Properties of Betty A. and Roland R. Rollins, Trustees, Nelson magisterial District, County of York, Virginia" prepared by Davis and Associates, P.C., Surveyors and Planners, dated May 10, 2000. Said property being a part of that certain property conveyed to Betty A. and Roland R. Rollins, Trustees and recorded in Deed Book 923, Page 173 and Deed Book 923, Page 176 in the Clerk's Office of the Circuit Court for the County of York, Virginia and more particularly described as follows:

Commencing at a concrete monument located on the east side of George Washington Memorial Highway (U.S. Route 17) and the common boundary line of the Trustees of the Yorkminster Presbyterian Church and the property of Betty A. and Roland R. Rollins, Trustees, N 60° 30' 46" E, 394.65' (feet) to a point; thence S 50° 39' 57" E, 305.88' (feet) to the point and place of beginning. Thence from the point and place of beginning thus established S 50° 39' 57" E, 188.17' (feet) to a point thence S 58° 51' 47" E, 62.61' (feet) to a point; thence N 31° 13' 52" W, 177.35' (feet) to a point being the point and place of beginning. The property is bounded on the north, east, south and west by property owned by Betty A. and Roland R. Rollins, Trustees.

Application No. ZM-51-00, St. Mark Lutheran Church: Request to amend the York County Zoning Map by reclassifying six (6) parcels from IL (Limited Industrial) to GB (General Business).

Mr. Michael King, assisted by a brief video, presented the summary of the staff memorandum to the Planning Commission dated July 24, 2000 and noted the staff recommendation of approval.

The Chair opened the public hearing.

Elizabeth L. White, Esquire, Kaufman and Canoles, Newport News, represented the applicant and spoke in favor of approval. Ms. White spoke of the history of the church, at its present site since 1974, and explained ownership of the property. She displayed photographs of the church and its immediate environs.

Reverend Gary Erdos said St. Mark Lutheran Church is in partnership with Yorktown Elementary School and Yorktown High School to provide services and goods for the schools and is sponsor of a program called Family Focus. He said the church continues to be a contributing and supporting member of the community. He requested a favorable recommendation.

Mr. Bob Magoon, 1317 Jamestown Road, Williamsburg, is architect for the proposed church expansion and displayed drawings of the existing facility, explaining what is being proposed in Phase I and future phases of the project.

Mr. James W. Noel, Jr., Executive Director, York County Industrial Development Authority, spoke on behalf of the applicant. Mr. Noel observed the problems that the applicant and the County have faced in resolving the problem since the inadvertent rezoning and believed that approval of the application would meet the needs of both.

There were no others to speak and the Vice Chair closed the public hearing.

Mr. Beil inquired how many undeveloped lots remain in Victory Industrial Park and Mr. Noel replied there are four or five undeveloped lots. Mr. Simasek inquired about the membership and projected membership of the church, to which Pastor Erdos stated there are currently 800 members and the expansion is designed for a membership of 1,500, which the church hopes to reach within the next 12 years. He explained the current uses of the church facility and potential uses with expansion to include children's preschool and expanded youth activities.

Mr. Simasek asked if any traffic problems would be expected with an expanded membership of 1,500, and Mr. King said it is not an issue of the application, but inasmuch as church traffic is primarily on Sundays he did not think it would be problematical.

Mr. Shepperd asked how the specific proffers were determined, and Ms. White explained the members addressed certain staff concerns before they submitted the proffers.

Mr. Hendricks moved the adoption of Resolution PC00-21 for approval. It reads:

PC00-21

On motion of Mr. Hendricks, which carried 5:0 (Semmes and White absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. ZM-51-00
TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING 7.5
ACRES LOCATED AT 118 OLD YORK HAMPTON HIGHWAY (ROUTE 634)
FROM IL (LIMITED INDUSTRIAL) TO GB (GENERAL BUSINESS) SUBJECT TO
THE CONDITIONS VOLUNTARILY PROFFERED BY THE PROPERTY OWNER

WHEREAS, St. Mark Lutheran Church has submitted Application No. ZM-51-00, which requests to amend the York County Zoning Map by reclassifying a 7.5-acres, a total of six (6) parcels, located at 118 Old York Hampton Highway (Route 634), and further identified as Assessor's Parcel No(s). 24-185A, 24-(60)-4, 24-(60)-17, 24-(60)-18, 24-(60)-20, and 24-(60)-21, from IL (Limited Industrial) to GB (General Business), subject to conditions voluntarily proffered by the property owner; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 9th day of August, 2000 that Application No. ZM-51-00 be, and it is hereby, transmitted to the York

County Board of Supervisors with a recommendation of approval subject to all the conditions voluntarily proffered by the property owner as set forth in the proffer statement entitled "Conditions Voluntarily Proffered for the Reclassification of Property Identified as Tax Maps: 24-185A, 24-60-4, 24-60-17, 24-60-18, 24-60-20, 24-60-21 and dated July 28 2000 and listed below:

- 1) The property shall not be used for the following land uses:
 - a) Restaurant/Fast Food
 - b) Restaurant/Drive In
 - c) Car Wash
 - d) Automobile Fuel Dispensing Establishment/Service Station
 - e) Neighborhood Shopping Center
 - f) Community or Regional Shopping Center
 - g) Toy Store
 - h) Bait and Tackle Store
 - i) Convenience Store
- 2) In Connection with any submission of a final site plan for the property, the applicant agrees to vacate the lot lines among the various lots comprising the property to form one large parcel provided all the following conditions are met:
 - a) The Subdivision Agent of York County deems it necessary for the property owner to vacate such lines; and
 - b) The vacation of such lines will not violate, contradict or contravene the easements, terms, conditions and obligations set forth in that certain Declaration of Covenants, Conditions, and Restrictions for Victory Park Property Owners Association, Inc. dated December 22, 1987 and recorded in the Clerk's Office of the Circuit Court for the County of York in Deed Book 506 at Page 321 (the Declaration) as may have been, or may in the future be, amended pursuant to the terms set forth in the Declaration; and
 - c) The property owner is able to obtain all consents, if any, required by the Declaration to be obtained in connection with the vacation of such lot lines; and
 - d) The vacation of such lot lines is permitted under the Zoning and/or Subdivision Ordinances of the County of York, Virginia.

Application No. UP-559-00, John and Janet Veith: Request for a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize an 850-square foot accessory apartment in conjunction with a single-family detached dwelling.

Mr. Tim Cross presented the staff report contained in a memorandum dated July 28, 2000 and said the staff is recommending approval. Mr. Cross said the applicants are in attendance and offer to answer any questions the members may have.

Mr. Shepperd noted that 30 percent of total square footage of the main residence is the maximum allowed for an accessory apartment in James City County. Mr. Cross acknowledged that York is somewhat more

restrictive with space limitations for accessory apartments than surrounding communities and the staff is studying that during the Zoning Ordinance Revision Project.

The Vice Chair opened the public hearing.

Mr. Shepperd asked the applicant about public utilities to the property under contract and Mr. Veith replied the property is served by a well and septic system.

Hearing no one else, Mr. Simasek closed the hearing.

Mr. Beil moved to adopt Resolution PC00-18, recommending approval.

PC00-18

On motion of Mr. Beil, which carried 5:0 (Semmes and White absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO
AUTHORIZE AN ACCESSORY APARTMENT IN CONJUNCTION WITH A
SINGLE-FAMILY DETACHED DWELLING TO BE CONSTRUCTED IN SKIMINO
LANDING ESTATES

WHEREAS, John and Janet Veith have submitted Application No. UP-559-00 to request a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize an accessory apartment in conjunction with a single-family detached dwelling to be constructed on property located in the northwest quadrant of the intersection of Skimino Landing Drive and Pheasant Springs Road and further identified as Assessor's Parcel No. 3-(2)-2B-40; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 9th day of August, 2000, that it does hereby transmit Application No. UP-559-00 to the York County Board of Supervisors with a recommendation of approval to issue a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize an accessory apartment in conjunction with a single-family detached dwelling to be constructed on property located in the northwest quadrant of the intersection of Skimino Landing Drive and Pheasant Springs Road and further identified as Assessor's Parcel No. 3-(2)-2B-40 subject to the following conditions:

1. This use permit shall authorize an accessory apartment in conjunction with a single-family detached dwelling to be constructed on property located in the northwest quadrant of the intersection of Skimino Landing Drive and Pheasant Springs Road and further identified as Assessor's Parcel No. 3-(2)-2B-40.

2. Building plans in substantial conformance with the sketch plan submitted by the applicant shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the commencement of any construction activities on the site.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. The accessory apartment unit shall not contain in excess of 850 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. The maximum combined number of bedrooms in the principal dwelling and the accessory apartment unit shall be four (4) unless otherwise specified by the Health Department based on a finding that on-site water supply and sewage treatment facilities either are not adequate to serve the anticipated number of residents or are adequate to serve a greater number of residents.
7. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be comparable with the character of the single-family residence and adjacent properties.
8. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
9. The accessory apartment shall be constructed in conjunction with or subsequent to, but in no case prior to, the construction of the principal dwelling unit.
10. Failure to establish the accessory apartment within five (5) years from the date of approval of this special use permit shall cause the permit to terminate automatically.
11. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

Application No. UP-560-00, Ferguson Enterprises, Inc.: Request for a special use permit, pursuant to Section 24.1-306 (category 14, number 3) of the York County Zoning Ordinance, to authorize the establishment of a wholesale trade establishment with outdoor storage.

Mr. Adam Kinsman, following a brief video presentation, presented the staff summary of his memorandum to the Commission dated July 31, 2000. Mr. Kinsman noted the staff recommendation of approval subject to the conditions of proposed Resolution PC00-19.

Vice Chair Simasek opened the public hearing.

Mr. Richard Costello, AES Consulting Engineers, spoke for the applicant and introduced Messrs. Don Swain of Ferguson Enterprises and Richard Wilkinson, property owner and developer. Mr. Costello said the applicant prefers using black vinyl coated chain link fencing in place of the wrought iron fencing proposed as a condition because wrought iron fencing can be penetrated by pipes loaded onto trucks as they back up toward the fence and there is no wrought iron fencing on the market whose posts are close

enough to prevent the pipes from falling through or damaging the fence. He added that the applicant proposes to install landscaping that would ultimately obscure the chain link fence.

Mr. Costello spoke further of the recommended Type 25 transitional buffer and asked for flexibility in the height of buffers on the various sides of the property and near the gate to the building.

Mr. James W. Noel spoke in behalf of approval. He said both the applicant and property owner are committed to first-class development of the site.

Mr. Kinsman pointed out that staff was unaware of the applicant's desire to change any buffer heights and would need to consider the request, adding that the aesthetics of this site at the entrance to the future business park are of particular interest to the County. Mr. Baldwin added that the use permit deals with outdoor storage and the staff attempts to mitigate possible negative visual impacts with fencing and landscaping. He said the staff recommends the same high quality type of fencing for all projects of this type. He said the staff cannot make a recommendation for staggering the height of buffers, as requested, in the absence of any plans. He added that the key to visual acceptance would be the landscaping, considered during the site plan approval phase.

Mr. Kinsman added that the wrought iron fencing or, alternatively, brick masonry, is still recommended for the parking area.

Mr. Simasek noted he is not prepared to vote for any revisions not known to the staff in advance. Mr. Swain said the applicant can install a wrought iron fence but he believed that landscaping in front of chain link fencing would obtain a more desirable result. Mr. Simasek said the Commission is obliged to ensure high quality. Mr. Swain requested a recommendation by the Commission to allow the applicant and staff time to work out a compromise, if feasible, before the application goes before the Board.

Mr. Shepperd moved the adoption of Resolution PC00-19 to recommend approval. It is:

PC00-19

On motion of Mt. Shepperd, which carried 5:0 (Semmes and White absent), the following resolution was adopted:

**A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO
AUTHORIZE A WHOLESALE TRADE ESTABLISHMENT WITH OUTDOOR
STORAGE ALONG MOORETOWN ROAD**

WHEREAS, Ferguson Enterprises, Inc. has submitted Application No. UP-560-00 to request a special use permit, pursuant to Section 24.1-306 (category 14, number 3) of the York County Zoning Ordinance, to authorize establishment of a wholesale trade establishment with outdoor storage to be constructed on property located along the east side of Mooretown Road, approximately 3,000 feet south of the intersection of Mooretown Road and East Rochambeau Drive (Route F137) and further identified as a portion of Assessor's Parcel No. 2-34; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 9th day of August, 2000, that it does hereby transmit Application No. UP-560-00 to the York County Board of Supervisors with a recommendation of approval to issue a special use permit, pursuant to Section 24.1-306 (category 14, number 3) of the York County Zoning Ordinance, to authorize establishment of a wholesale trade establishment with outdoor storage on approximately 10 acres of land along Mooretown Road, approximately 3,000 feet south of the intersection of Mooretown Road and East Rochambeau Drive and further identified as a portion of Assessor's Parcel No. 2-34 subject to the following conditions:

1. This use permit shall authorize establishment of a wholesale trade establishment with outdoor storage on approximately 10 acres of land along Mooretown Road approximately 3,000 feet south of the intersection of Mooretown Road and East Rochambeau Drive and further identified as a portion of Assessor's Parcel No. 2-34.
2. The development shall be constructed and in significant conformance with the conceptual plans titled "Ferguson Enterprises, Inc. Proposed Plan 17,000 S.F.," "Mooretown Road View," and "Clark Road View," all three dated July 26, 2000, with particular emphasis on site layout and the orientation of the storage yard.
3. Use of theft-deterrent fencing (i.e., barbed wire, razor wire, etc.) anywhere on the property shall be prohibited.
4. Fencing adjacent to, and along the entire length of, all parking areas shall be a black, wrought iron type. All other fencing on the property shall be dark green or black vinyl-dipped chain link or masonry type.
5. A Type-25 buffer shall be maintained along the outside of the entire length of the fencing enclosing the storage yard. No fencing shall be placed outside of this buffer.
6. Outdoor lighting shall be full cutoff luminaires or a decorative luminaire with full cutoff optics. All lighting shall be directed downward and shall not spill over onto adjacent properties or public rights-of-way. All lighting except low-level security lighting shall be extinguished between the hours of 11:00 PM and dawn. In addition, the applicant shall submit a photometric plan indicating all outdoor lighting on the site. This plan shall be approved by the Planning Division prior to the installation of any lighting on the site.
7. The applicant shall be responsible for compliance with the regulations in Section 24.1-115(b)(6) of the Zoning Ordinance that pertain to the recordation of this resolution in the office of the Clerk of the Circuit Court.

STAFF REPORTS

Mr. Bob Baldwin reported on the progress of the Zoning Ordinance Revision Project and told the members the next issues being developed for review relate to sign and forestry regulations. He suggested a work session on those topics immediately after adjournment of the September 13th regular meeting. The members agreed.

Mr. Baldwin reported on recent actions of the Board of Supervisors.

COMMITTEE REPORTS

Mr. Tim Cross reported on the meeting he recently attended of the Regional Issues Committee. He said the Commission adopted a general resolution in support of corridor protection in the greater Williamsburg area and the Commission also discussed wider use of green route marker signs such as those that appear in various locations in the Historic Triangle. He told the members there was a presentation from a representative of the City of Virginia Beach about corridor protection along the oceanfront.

COMMISSION REPORTS

The Vice Chair, on behalf of the Commission, presented a resolution to Mr. Adam Kinsman on the occasion of his resignation from the Planning staff to attend law school. Mr. Simasek added that Mr. Kinsman is a valued member of the staff and the Commission will miss him.

Mr. Hendricks commented on the City of Norfolk's redevelopment of the Oceanview/Willoughby Spit area and suggested to the members that they go and see the results.

Mr. Shepperd asked the staff about plans for an enhanced transportation network in the County in view of existing and future residential and commercial development. He said residents are quite concerned about the existing road network's ability to handle the traffic resulting from new development, particularly the Route 134-Big Bethel Road development. Mr. Baldwin said turn lanes are to be added at the future Wal Mart location and improvements to the Route 17/171 area are a priority in the primary roads plan. He said the staff will prepare a transportation planning report for the Commission. Mr. Baldwin added that the state has allocated such a small amount to transportation improvements that it is more a matter of funding than of planning, and citizens would be well advised to follow state funding of the Virginia Department of Transportation.

FUTURE BUSINESS

Mr. Baldwin advised of the item to come before the public at the next regular meeting.

ADJOURNMENT

There being no other business, Mr. Simasek called adjournment at 8:47 p.m.

SUBMITTED:

Phyllis P. Liscum, Secretary

APPROVED:

Spencer W. Semmes, Chair

DATE: September 13, 2000